



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

James J. Golden
Regional Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO THE EAST END LANDFILL, LLC Solid Waste Permit No. 524

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and The East End Landfill, LLC, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CDD" means construction and demolition debris.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" or "Landfill" means the TEEL Facility located at 1790 Darbytown Road in Richmond, Virginia.

6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
8. "Permit" means Solid Waste Permit No. 524, which was issued under the Virginia Waste Management Act and the Regulations to TEEL on May 1, 2006.
9. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
10. "Regulations" or "VSWMR" means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
11. "TEEL" means The East End Landfill, LLC, a limited liability company authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. TEEL is a "person" within the meaning of Va. Code § 10.1-1400.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through 10.1-1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. On May 1, 2006, TEEL was granted a permit to operate a Construction and Demolition Debris (CDD) Landfill by the Commissioner of the Virginia Department of Health, predecessor-in-interest to the Director of DEQ. The Permit allows for the disposal of CDD waste.
2. The Facility has been operated as a CDD Landfill since the Permit was issued. Operations at the Facility are subject to the Virginia Waste Management Act, the Regulations, and the Permit.
3. On June 14, 2017, the Department conducted an inspection of the Landfill, and observed violations of the Virginia Solid Waste Management Regulations. The Department cited the violations in an NOV issued on September 6, 2017.
4. Va. Code §10.1-1408.2.C states: "On and after January 1, 1993, all solid waste management facilities shall operate under the direct supervision of a waste management facility operator licensed by the Board for Waste Management Facility Operators."
5. Permit Condition I.F.1(ii) states: "Reports the remaining capacity by the 10th of each month to DEQ until the reserve is no longer needed, as determined by DEQ."

6. Permit Condition I.F.1(a) states: "Regardless of any future permitting action, TEEL shall be in compliance with slope and height requirements of this permit no later than July 1, 2017."
7. Permit Condition I.F.2 states: "The facility may only accept construction waste, demolition waste, and debris waste as defined in the Virginia Solid Waste Management regulations."
8. Permit Condition I.F.7 states: "The Permittee shall submit a report to the DEQ Piedmont Regional Office Waste Program by April 1, of the year following with a determination of areas of the landfill that have attained final elevations and grades. The report shall also assess the capacity utilized during the year, the remaining permitted capacity and the projected remaining site life"
9. 9VAC20-81-140.C.1(b) states; "Compacted soil cover shall be applied as needed for safety and aesthetic purposes. A minimum one-foot thick progressive cover shall be maintained weekly such that the top of the lift is fully covered at the end of the work week."
10. 9VAC20-81-140.C.1(e) requires; "Vegetation shall be established and maintained on all exposed final cover material within four months after placement, or as specified by the department when seasonal conditions do not permit. Mowing will be conducted a minimum of once a year or at a frequency suitable for the vegetation and climate."
11. 9VAC20-81-140.A.7 requires; "Owners or operators shall maintain the run-on/runoff control systems designed and constructed in accordance with 9VAC20-81-130 H."
12. On September 6, 2017, the Department issued Notice of Violation number 2017-09-PRO-601 to TEEL for the violations observed during the June 14, 2017 inspection. TEEL responded to the NOV on September 8, 2017.
13. Based on the results of the June 14, 2017, inspection, and information provided by TEEL, the Board concludes that Teel has violated the Virginia Waste Management Act, the Regulations, and the Permit as described above.
14. Based on a follow up inspection conducted on October 25, 2017, the Department has determined that TEEL is now in compliance with everything except the slope requirement. The slope requirement will be addressed in the next Solid Waste Permit amendment; therefore further injunctive relief is not required.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders TEEL, and TEEL agrees to pay a civil charge of \$38,014 within 60 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control

Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

TEEL shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, TEEL shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of TEEL for good cause shown by TEEL, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, TEEL admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. TEEL consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. TEEL declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by TEEL to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. TEEL shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. TEEL shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. TEEL shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
- a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and TEEL. Nevertheless, TEEL agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
- a. The Director or his designee terminates the Order after TEEL has completed all of the requirements of the Order;
 - b. TEEL petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to TEEL.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve TEEL from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by TEEL and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of TEEL certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind TEEL to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of TEEL.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, TEEL voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 17th day of July, 2019.



Kyle Ivar Winter, P.E.
Department of Environmental Quality
Piedmont Deputy Regional Director

------(Remainder of Page Intentionally Blank)-----

The East End Landfill, LLC voluntarily agrees to the issuance of this Order.

Date: 5-28-19 By: [Signature], _____
Name Title
The East End Landfill, LLC

Commonwealth of Virginia

City/County of Virginia Beach

The foregoing document was signed and acknowledged before me this 28 day of May,
2019, by Danny Meeks on behalf of the company.

[Signature]
Notary Public

7658450

Registration No.

My commission expires: 11/30/2019

Notary seal:

